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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: HANK T. FAWKS	§	CASE NO. 05-81047-BJH
Debtor(s)	§	CHAPTER 7

**DEBTOR'S MOTION TO CONVERT
TO A CHAPTER 13 BANKRUPTCY PROCEEDING**

TO THE HONORABLE BANKRUPTCY JUDGE:

COME NOW, Hank T. Fawks, Debtor(s) in the above case and requests that this case be converted to one under Chapter 13 of the bankruptcy code and represent to the Court:

I.

On September 21, 2005, the above-named Debtor(s) filed a petition for relief under the United States Bankruptcy Code.

II.

The case was correctly filed as a Chapter 13 proceeding in ECF. Due to a clerical error on the Voluntary Petition, the case incorrectly states Chapter 7. Due to the Court Clerk's Policy, the case must be changed to a Chapter 7. The Debtor(s) intent from the beginning was to proceed in a Chapter 13 Bankruptcy.

WHEREFORE, Movant prays that an order be entered converting the above-captioned case to a case under Chapter 13, and for such other and further relief as is just.

Respectfully submitted,
RUBIN & ASSOCIATES, P.C.
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By: /s/ Mark S. Rubin
Mark S. Rubin
State Bar No. 17361550
Shelly K. Shilling
State Bar No. 00794788

ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a copy of the Debtor(s) Motion to Convert to a Chapter 13 Bankruptcy Proceeding was served via first class mail to the following parties in interest:

Dated: 9/21/05

/s/ Mark S. Rubin
Mark S. Rubin, Bar No.17361550
Shelly K. Shilling, Bar No. 00794788